

**HALL & EVANS, LLC**  
 1160 North Town Center Drive  
 Suite 330  
 Las Vegas, Nevada 89144  
 (702) 998-1022

**HALL & EVANS, LLC**  
 KURT R. BONDS, ESQ.  
 Nevada Bar No. 6228  
 MADISON M. AGUIRRE, ESQ.  
 Nevada Bar No. 16183  
 TANYA M. FRASER, ESQ.  
 Nevada Bar No. 13872  
 1160 North Town Center Drive  
 Suite 330  
 Las Vegas, Nevada 89144  
 (702) 998-1022  
[nvefile@hallevans.com](mailto:nvefile@hallevans.com)  
*Attorneys for Defendants*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

CONSTANT FITZGERLD YOUNG, an  
 Individual,

Plaintiff,

v.

WALMART, INC., d/b/a WALMART #2592;  
 WAL-MART STORES, INC.; WAL-MART  
 NEIGHBORHOOD MARKET; DOE  
 PROPERTY OWNER I-V; ROE PROPERTY  
 OWNER I-V; DOE JANITORIAL  
 EMPLOYEE I-V; ROE JANITORIAL  
 COMPANY I-V; ROE MAINTENANCE  
 COMPANY I-V; ROE PROPERTY  
 MANAGEMENT COMPANY IV; DOE  
 MAINTENANCE WORKER I-V; DOE  
 PROPERTY MANAGER I-V; DOE  
 EMPLOYEE I-V; ROE EMPLOYER I-V; and  
 ROE COMPANIES I-V, inclusive, jointly and  
 severally,

Defendants.

CASE NO.: 2:23-cv-02016-JCM-NJK

**JOINT PROPOSED DISCOVERY  
 PLAN AND SCHEDULING ORDER**

**[SUBMITTED IN COMPLIANCE  
 WITH LR 26-1(B)]**

...

...

1 Plaintiff, CONSTANT FITZGERLD YOUNG, by and through his counsel of record,  
 2 GINA CORENA & ASSOCIATES, and Defendant, WALMART, INC., by and through its  
 3 counsel of record, the law firm of HALL & EVANS, LLC, hereby submit their Joint Proposed  
 4 Discovery Plan and Scheduling Order pursuant to Fed R. Civ. P. 26(f) and Local Rules 26-1(b).  
 5 The Parties jointly respectfully request that the Court: 1) approve this plan, and 2) implement  
 6 the plan as a scheduling order.  
 7

8 The FRCP 26(f) conference was held on January 3, 2024, by and between Mahna  
 9 Pourshaban, Esq. for Plaintiff, and Madison M. Aguirre, Esq. for Defendant. The Parties have  
 10 agreed to exchange initial disclosures no later than January 5, 2024. The Parties propose the  
 11 following discovery plan:  
 12

13 **I. ESTIMATED TIME REQUIRED FOR DISCOVERY:**

14 a. Date of Defendants' Answer or Appearance (LR 26-1(b)(1)):

15 On October 25, 2023, Plaintiff filed his Complaint and Demand for Jury Trial in the  
 16 Eighth Judicial District Court for Clark County, Nevada. On November 16, 2023, Defendant  
 17 filed its Answer to Plaintiff's Complaint in the Eighth Judicial District Court for Clark County,  
 18 Nevada. Subsequently, on December 6, 2023, this matter was removed from the Eighth Judicial  
 19 District Court to the United States District Court, District of Nevada. (ECF No. 1). On  
 20 December 6, 2023, Defendant filed its Certificate of Interested Parties. (ECF No. 2). On  
 21 December 20, 2023, Defendant filed its Statement Regarding Removal. (ECF No. 5).  
 22

23 b. Proposed Discovery Cut-Off (LR 26-1(b)(1)):

24 Accordingly, the parties have requested that the discovery period of 180 days commence  
 25 on the day of Defendant's Answer. Accordingly, all discovery must be completed no later than:  
 26 May 14, 2024. The parties may conduct discovery within the scope of Fed. R. Civ. P. 26(b).  
 27 Subject to the foregoing, discovery need not be limited or focused on particular issues or  
 28

conducted in phases.

## II. AMENDING THE PLEADINGS AND ADDING PARTIES (LR 26-1(b)(2)):

Motions to amend pleadings and add parties shall be filed no later than ninety (90) days before the close of discovery: February 14, 2024.

## III. DISCLOSURES (Fed. R. Civ. P. 26(f)(3)(A); LR 26-1(b)(3)):

### a. Initial Expert Disclosures:

Pursuant to FRCP 26(a)(2)(D)(i), initial expert disclosures shall be due no later than sixty (60) days before the close of discovery: March 15, 2024.

### b. Rebuttal Expert Disclosures:

Pursuant to FRCP 26(a)(2)(D)(ii), rebuttal expert disclosures shall be due no later than thirty (30) days before the close of discovery: April 15, 2024.

## IV. DISPOSITIVE MOTIONS (LR 26-1(b)(4)):

The deadline for filing dispositive motions shall be thirty (30) days after the close of discovery: June 13, 2024.

## V. JOINT PRE-TRIAL ORDER (LR 26-1(b)(5), (6)):

If no dispositive motions are filed, and unless otherwise ordered by this Court, the joint pre-trial order shall be filed no later than thirty (30) days after the date set for filing dispositive motions: July 15, 2024. The joint pre-trial order shall include the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them.

In the event a dispositive motion is timely filed, the date for filing the joint pre-trial order shall be suspended until thirty (30) days after the Court enters a ruling on the dispositive motion, or otherwise by further Court order.

...

...

**VI. ALTERNATIVE DISPUTE RESOLUTION (LR 26-1(b)(7)):**

The parties certify that they met and conferred about the possibility of using alternative dispute resolution processes including mediation and arbitration. While the parties are open to various means of resolution, they agree additional discovery must be obtained prior to scheduling any kind of alternative dispute resolution. Counsel further agree that a settlement conference will be beneficial after discovery is concluded.

**VII. ALTERNATIVE FORMS OF CASE DISPOSITION (LR 26-1(b)(8)):**

The parties hereby certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General Order 2013-01). The parties do not consent to those forms of dispute resolution at this time.

...

...

...

...

...

...

...

...

...

...

...

...

...

...

**VIII. ELECTRONIC EVIDENCE (LR 26-1(b)(9)):**

The parties hereby certify that they met and conferred regarding their intentions to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties did not come to any stipulations regarding providing discovery in an electronic format.

|  |  |
|--|--|
| DATED this 3 <sup>rd</sup> day of January, 2024. | DATED this 3 <sup>rd</sup> day of January, 2024. |
| HALL & EVANS, LLC                                | GINA CORENA & ASSOCIATES                         |
| <u>/s/Kurt R. Bonds</u>                          | <u>/s/Mahna Pourshaban</u>                       |
| KURT R. BONDS, ESQ.                              | GINA M. CORENA, ESQ.                             |
| Nevada Bar No. 6228                              | Nevada Bar No. 10330                             |
| MADISON M. AGUIRRE, ESQ.                         | MAHNA POURSHABAN, ESQ.                           |
| Nevada Bar No. 16183                             | Nevada Bar No. 13743                             |
| TANYA M. FRASER, ESQ.                            | GINA CORENA & ASSOCIATES                         |
| Nevada Bar No. 13872                             | 300 S. 4th Street, Suite 1400                    |
| 1160 North Town Center Drive                     | Las Vegas, NV 89101                              |
| Suite 330  | <i>Attorneys for Plaintiff</i>                   |
| Las Vegas, Nevada 89144                          |  |
| <i>Attorneys for Defendant</i>                   |  |

**ORDER**

IT IS SO ORDERED.

Dated: January 4, 2024

  
UNITED STATES MAGISTRATE JUDGE

HALL & EVANS, LLC  
1160 North Town Center Drive  
Suite 330  
Las Vegas, Nevada 89144  
(702) 998-1022